

§ 298. Repeal of section 133; effect.

CODIFICATION

Section, act May 7, 1926, ch. 250, § 7, 44 Stat. 405, repealed act Feb. 17, 1911, ch. 105, 36 Stat. 917, incorporated as section 133 of this title, with a provision that such repeal "shall not invalidate appropriations already made under the authority of such Act."

§ 299. Citation.

Sections 292–294, 295, and 296–299 of this title may be cited as the "Foreign Service Buildings Act, 1926." (May 7, 1926, ch. 250, § 8, 44 Stat. 405.)

§ 300. Sale of buildings and grounds; disposition of proceeds; report to Congress.

The Secretary of State, when he finds it to be in the interest of the Government, with the concurrence of the Foreign Service Buildings Commission, is authorized to sell buildings and grounds acquired for the use of diplomatic and consular establishments in foreign countries, and notwithstanding the provisions of any other law, the proceeds of such sales may be applied toward the purchase and construction, furnishing, and preservation of other properties, or held in the Foreign Service building fund, as in the judgment of the Commission may best serve the Government's interest: *Provided, however*, That the Secretary of State shall report all such transactions annually to the Congress with the Budget estimates of the Department of State. (May 7, 1926, ch. 250, § 9, as added Apr. 19, 1945, ch. 78, 59 Stat. 53.)

Chapter 9.—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY

SUBCHAPTER I.—WAR MATERIALS

- 401. Seizure of war materials intended for unlawful export generally; forfeiture.
- 402. Same; warrant for detention of seized property.
- 403. Same; petition for restoration of seized property.
- 404. Same; libel and sale of seized property.
- 405. Same; method of trial; bond for redelivery.
- 406. Same; sections not to interfere with foreign trade.
- 407. Same; President's discretion to release seized property.
- 408. Same; use of land and naval forces to prevent exportation.
- 409. Exportation of war materials to American countries or countries under United States jurisdiction in state of domestic violence; prohibition.
- 410. Same; penalties.
- 411. Lease, loan, etc., of war materials in interest of United States defense; definitions.
- 412. Same; procurement for and transfer of defense articles to other countries; repairs, etc.; limitation on amount; termination of powers; naval convoys; combat area navigation.
- 412a. Same; lease of merchant vessels for duration of war.
- 413. Same; contract restrictions against disposal of transferred articles by transferee governments.
- 414. Same; information regarding articles exported; reports to Congress.
- 415. Same; appropriations; disposition of repayments.
- 416. Same; protection of patent rights.
- 417. Same; acquisition of war materials from foreign governments.
- 418. Same; rules and regulations; delegation of powers.
- 419. Same; effect on existing laws relating to use of land and naval forces.
- 420. Same; application of other laws.
- 421. Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States.

Sec.

- 422. Same; retention for United States defense articles procured for foreign governments.
- 423. Retention for defense of United States of certain articles, information or service procured for foreign governments.

SUBCHAPTER II.—NEUTRALITY ACT

- 441. Proclamation of state of war between foreign states.
- 442, 443. Repealed.
- 444. American Red Cross vessels.
- 445. Travel on vessels of belligerent states.
- 446. Repealed.
- 447. Financial transactions.
- 448. Solicitation and collection of funds and contributions.
- 449. American republics.
- 450. Restrictions on use of American ports.
- 451. Submarines and armed merchant vessels.
- 452. National Munitions Control Board.
- 453. Regulations.
- 454. Unlawful use of the American flag.
- 455. General penalty provision.
- 456. Definitions.
- 457. Appropriations.

PROCLAMATIONS RESPECTING WAR AND NEUTRALITY

See notes preceding section 1 of appendix of Title 50, War.

SUBCHAPTER I.—WAR MATERIALS

§ 401. Seizure of war materials intended for unlawful export generally; forfeiture.

Whenever an attempt is made to export or ship from or take out of the United States any arms or munitions of war, or other articles, in violation of law, or whenever there shall be known or probable cause to believe that any such arms or munitions of war, or other articles, are being or are intended to be exported, or shipped from, or taken out of the United States, in violation of law, the several collectors, comptrollers of customs, surveyors, inspectors of customs, and marshals, and deputy marshals of the United States, and every other person duly authorized for the purpose by the President, may seize and detain any articles or munitions of war about to be exported or shipped from, or taken out of the United States, in violation of law, and the vessels or vehicles containing the same, and retain possession thereof until released or disposed of as directed in sections 402–408 of this title. If upon due inquiry as provided in such sections the property seized shall appear to have been about to be so unlawfully exported, shipped from, or taken out of the United States, the same shall be forfeited to the United States. (June 15, 1917, ch. 30, title VI, § 1, 40 Stat. 223; June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740.)

CROSS REFERENCES

Letters or writings nonmailable, see section 343 of Title 18, Criminal Code and Criminal Procedure.

Office of Surveyor of Customs abolished except in port of New York, see section 5a of Title 19, Customs Duties.

§ 402. Same; warrant for detention of seized property.

It shall be the duty of the person making any seizure under sections 401–408 of this title to apply, with due diligence, to the judge of the district court of the United States, or to the judge of the United States district court of the Canal Zone, or to the judge of a court of first instance in the Philippine Islands, having jurisdiction over the place within which the seizure is made, for a warrant to justify

the further detention of the property so seized, which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being or is intended to be exported or shipped from or taken out of the United States in violation of law; and if the judge refuses to issue the warrant, or application therefor is not made by the person making the seizure within a reasonable time, not exceeding ten days after the seizure, the property shall forthwith be restored to the owner or person from whom seized. If the judge is satisfied that the seizure was justified under the provisions of said sections, and issues his warrant accordingly, then the property shall be detained by the person seizing it until the President, who is hereby expressly authorized so to do, orders it to be restored to the owner or claimant, or until it is discharged in due course of law on petition of the claimant, or on trial of condemnation proceedings, as provided in sections 403-408 of this title. (June 15, 1917, ch. 30, title VI, § 2, 40 Stat. 224.)

CODIFICATION

Provision for application to the judge of a court of first instance in the Philippine Islands was omitted pursuant to Proc. No. 2695, cited to text and set out as a note under section 1240 of Title 48, Territories and Insular Possessions, in which the President of the United States proclaimed the independence of the Philippines.

CROSS REFERENCES

Letters or writings nonmailable, see section 343 of Title 18, Criminal Code and Criminal Procedure.

§ 403. Same; petition for restoration of seized property.

The owner or claimant of any property seized under sections 401-408 of this title may, at any time before condemnation proceedings have been instituted, as provided in sections 404-408 of this title, file his petition for its restoration in the district court of the United States, or the district court of the Canal Zone, or the court of first instance in the Philippine Islands, having jurisdiction over the place in which the seizure was made, whereupon the court shall advance the cause for hearing and determination with all possible dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making the seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner or forfeited to the United States. (June 15, 1917, ch. 30, title VI, § 3, 40 Stat. 224.)

CODIFICATION

Provision for petition to a court of first instance in the Philippine Islands was omitted pursuant to Proc. No. 2695, cited to text and set out as a note under section 1240 of Title 48, Territories and Insular Possessions, in which the President of the United States proclaimed the independence of the Philippines.

CROSS REFERENCES

Letters or writings nonmailable, see section 343 of Title 18, Criminal Code and Criminal Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Assignment of cases for trial, see Rules of Civil Procedure, Rule 40, following section 723c of Title 28, Judicial Code and Judiciary.

§ 404. Same; libel and sale of seized property.

Whenever the person making any seizure under sections 401-408 of this title applies for and obtains a

warrant for the detention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within thirty days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury: *Provided*, That the court shall order any arms and munitions of war so condemned delivered to the War Department of the United States. (June 15, 1917, ch. 30, title VI, § 4, 40 Stat. 224; Mar. 1, 1929, ch. 420, 45 Stat. 1423.)

CODIFICATION

Provision for proceedings in a court of first instance in the Philippine Islands was omitted pursuant to Proc. No. 2695, cited to text and set out as a note under section 1240 of Title 48, Territories and Insular Possessions, in which the President of the United States proclaimed the independence of the Philippines.

CROSS REFERENCES

Letters or writings nonmailable, see section 343 of Title 18, Criminal Code and Criminal Procedure.

§ 405. Same; method of trial; bond for redelivery.

The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases provided for in section 404 of this title, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States: *Provided*, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings provided for in section 404 of this title, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of sections 401-408 of this title, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof. (June 15, 1917, ch. 30, title VI, § 5, 40 Stat. 224.)

CROSS REFERENCES

Letters or writings nonmailable, see section 343 of Title 18, Criminal Code and Criminal Procedure.

§ 406. Same; sections not to interfere with foreign trade.

Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section 401 of this title, nothing contained in sections 401-408 of this title shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before June 15, 1917, under the law of nations, or under the treaties

or conventions entered into by the United States, or under the laws thereof. (June 15, 1917, ch. 30, title VI, § 6, 40 Stat. 225.)

CROSS REFERENCES

Letters or writings nonmailable, see section 343 of Title 18, Criminal Code and Criminal Procedure.

§ 407. Same; President's discretion to release seized property.

Upon payment of the costs and legal expenses incurred in the summary trial provided for in sections 403–405 of this title for possession or libel proceedings, the President is authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of sections 401–408 of this title. (June 15, 1917, ch. 30, title VI, § 7, 40 Stat. 225.)

CROSS REFERENCES

Letters or writings nonmailable, see section 343 of Title 18, Criminal Code and Criminal Procedure.

§ 408. Same; use of land and naval forces to prevent exportation.

The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of sections 401–445 of this title. (June 15, 1917, ch. 30, title VI, § 8, 40 Stat. 225.)

CROSS REFERENCES

Letters or writings nonmailable, see section 343 of Title 18, Criminal Code and Criminal Procedure.

§ 409. Exportation of war materials to American countries or countries under United States jurisdiction in state of domestic violence; prohibition.

Whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress. (Jan. 31, 1922, ch. 44, § 1, 42 Stat. 361.)

§ 410. Same; penalties.

Whoever exports any arms or munitions of war in violation of section 409 of this title shall, on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both. (Jan. 31, 1922, ch. 44, § 2, 42 Stat. 361.)

§ 411. Lease, loan, etc., of war materials in interest of United States defense; definitions.

As used in sections 411–419 of this title—

(a) The term "defense article" means—

(1) Any weapon, munition, aircraft, vessel, or boat;

(2) Any machinery, facility, tool, material, or supply necessary for the manufacture, production, processing, repair, servicing, or operation of any article described in this subsection;

(3) Any component material or part of or equipment for any article described in this subsection;

(4) Any agricultural, industrial or other commodity or article for defense.

Such term "defense article" includes any article described in this subsection: Manufactured or procured pursuant to section 412 of this title, or to which the United States or any foreign government has or hereafter acquires title, possession, or control.

(b) The term "defense information" means any plan, specification, design, prototype, or information pertaining to any defense article. (Mar. 11, 1941, ch. 11, § 2, 55 Stat. 31.)

SHORT TITLE

Sections 411–419 of this title, popularly known as the "Lend-Lease Act," "may be cited as 'An Act to Promote the Defense of the United States'" by section 1 of act Mar. 11, 1941, cited to text.

SEPARABILITY OF PROVISIONS

Section 11 of act Mar. 11, 1941, cited to text, which act constitutes sections 411–419 of this title, provided as follows: "If any provision of this Act or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances shall not be affected thereby."

CROSS REFERENCES

The Surplus Property Act of 1944, sections 1611–1646 of Appendix to Title 50, as inapplicable to sections 411–419 of this title, see section 1643 (b) of Appendix to Title 50, War.

EX. ORD. NO. 9726. TRANSFER OF FISCAL FUNCTIONS RELATING TO LEND-LEASE MATTERS FROM THE DEPARTMENT OF STATE TO THE TREASURY DEPARTMENT

EX. ORD. NO. 9726, May 31, 1946, 11 F. R. 5437, provided: By virtue of the authority vested in me by the Constitution and the statutes, including the act of March 11, 1941, as amended, entitled "An Act further To Promote the Defense of the United States, and for Other Purposes" (55 Stat. 31) [sections 411–419 of this title], and as President of the United States, it is hereby ordered as follows:

1. All functions with respect to the maintenance of accounts and other fiscal records relating to lend-lease and reverse lend-lease matters under the said act of March 11, 1941 [said sections] (hereinafter referred to as the act), are transferred from the Department of State to the Treasury Department and shall be administered under the supervision and direction of the Secretary of the Treasury. The Department of State shall continue to administer all other functions relating to the administration of the act which are now under the jurisdiction of that Department.

2. In carrying out the purposes and provisions of paragraph 1 of this order, the Treasury Department:

(a) Shall perform all necessary fiscal functions and maintain all necessary fiscal records and prepare all required reports pertaining to the act, except that, until such date as the Director of the Bureau of the Budget shall determine, the Secretary of State shall prepare for the President the reports required under section 5 (b) of the act [section 414 (b) of this title].

(b) Shall furnish the Department of State with such information and reports concerning lend-lease operations as may be requested by such Department, including information as to the status of funds.

(c) In accordance with the request of the Secretary of State, shall make additional allocations to procurement agencies of the Government of available funds, and shall bill, collect, and account for funds from foreign governments and others, under the act.

(d) After consultation with the Department of State, shall revoke excess allocations in the hands of procurement agencies and return such funds to the master account.

(e) May act through the personnel transferred hereunder or through such other personnel of the Treasury Department as the Secretary of the Treasury may designate.

3. There is transferred to the Treasury Department so much as the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred by this order of the records, personnel, and property of the Department of State and of the unexpended balances of the funds of the Department of State available or to be made available for use in connection with the administration of the functions transferred by this order.

4. The Department of State shall provide the Treasury Department with two certified copies of all agreements relating to lend-lease settlements and with two copies of all other documents and correspondence which in any way affect lend-lease accounting records.

5. The Secretary of State and the Secretary of the Treasury shall from time to time jointly recommend to the Director of the Bureau of the Budget amounts by which lend-lease appropriations may be rescinded or placed in reserve.

6. All prior regulations, rulings, and directives relating to the functions transferred by this order shall remain in effect except as hereafter amended or revoked by the Secretary of the Treasury. To the extent authorized by law, the Secretary of the Treasury may issue such additional regulations and instructions as he may deem necessary to carry out this order.

7. All provisions of prior Executive orders and of prior instructions to any Federal agency in conflict with this order are amended accordingly.

8. This order shall become effective at the close of business on May 31, 1946.

§ 412. Same; procurement for and transfer of defense articles to other countries; repairs, etc.; limitation on amount; termination of powers; naval convoys; combat area navigation.

(a) Notwithstanding the provisions of any other law, the President may, from time to time, when he deems it in the interest of national defense, authorize the Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government—

(1) To manufacture in arsenals, factories, and shipyards under their jurisdiction, or otherwise procure, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for the government of any country whose defense the President deems vital to the defense of the United States.

(2) To sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to any such government any defense article, but no defense article not manufactured or procured under paragraph (1) shall in any way be disposed of under this paragraph, except after consultation with the Chief of Staff of the Army or the Chief of Naval Operations of the Navy, or both. The value of defense articles disposed of in any way under authority of this paragraph, and procured from funds heretofore appropriated, shall not exceed \$1,300,000,000. The value of such defense articles shall be determined by the head of the department or agency concerned or such other department, agency or officer as shall be designated in the manner provided in the rules and regulations issued hereunder. Defense articles procured from funds hereafter appropriated to any department or agency of the Government, other than from funds authorized to be appropriated under sections 411–419 of this title, shall not be disposed of in any way under authority of this paragraph except to the extent

hereafter authorized by the Congress in the Acts appropriating such funds or otherwise.

(3) To test, inspect, prove, repair, outfit, recondition, or otherwise to place in good working order, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for any such government, or to procure any or all such services by private contract.

(4) To communicate to any such government any defense information, pertaining to any defense article furnished to such government under paragraph (2) of this subsection.

(5) To release for export any defense article disposed of in any way under this subsection to any such government.

(b) The terms and conditions upon which any such foreign government receives any aid authorized under subsection (a) of this section shall be those which the President deems satisfactory, and the benefit to the United States may be payment or repayment in kind or property, or any other direct or indirect benefit which the President deems satisfactory: *Provided, however,* That nothing in this paragraph shall be construed to authorize the President to assume or incur any obligations on the part of the United States with respect to post-war economic policy, post-war military policy or any post-war policy involving international relations except in accordance with established constitutional procedure.

(c) After June 30, 1946, or after the passage of a concurrent resolution by the two Houses before June 30, 1946, which declares that the powers conferred by or pursuant to subsection (a) of this title are no longer necessary to promote the defense of the United States, neither the President nor the head of any department or agency shall exercise any of the powers conferred by or pursuant to said subsection (a); except that until July 1, 1949, any of such powers may be exercised to the extent necessary to carry out a contract or agreement with such a foreign government made before July 1, 1946, or before the passage of such concurrent resolution, whichever is the earlier; *Provided, however,* That nothing in this subsection shall be construed to authorize the President to enter into or carry out any contract or agreement with a foreign government for post-war relief, postwar rehabilitation or postwar reconstruction; except that a contract or agreement entered into in accordance with sections 411–419 of this title in which the United States undertakes to furnish to a foreign government defense articles, services, or information for use in the prosecution of the present war and which provides for the disposition, on terms and conditions of sale prescribed by the President, of any such defense articles, services, or information after the President determines they are no longer necessary for use by such government in promoting the defense of the United States shall not be deemed to be for postwar relief, postwar rehabilitation or postwar reconstruction.

(d) Nothing in sections 411–419 of this title shall be construed to authorize or to permit the authori-

zation of convoying vessels by naval vessels of the United States.

(e) Nothing in sections 411-419 of this title shall be construed to authorize or to permit the authorization of the entry of any American vessel into a combat area in violation of section 443 of this title. (Mar. 11, 1941, ch. 11, § 3, 55 Stat. 31; Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, §§ 1, 2, 58 Stat. 222, 223; Apr. 16, 1945, ch. 61, §§ 1, 2, 59 Stat. 52.)

AMENDMENTS

1945—Subsec. (c) amended by act Apr. 16, 1945, cited to text, which substituted "June 30, 1946," for "June 30, 1945," wherever appearing, "July 1, 1949," for "July 1, 1948," "July 1, 1946" for "July 1, 1945," and added proviso. 1944—Subsec. (b) amended by act May 17, 1944, § 2, cited to text, which added the proviso.

Subsec. (c) amended by act May 17, 1944, § 1, cited to text, which substituted "June 30, 1945" for "June 30, 1944" wherever appearing, "July 1, 1948" for "July 1, 1947", and "July 1, 1945" for "July 1, 1944".

1943—Subsec. (c) amended by act Mar. 11, 1943, cited to text, which substituted "June 30, 1944" for "June 30, 1943", substituted "July 1, 1947" for "July 1, 1946", and substituted "July 1, 1944" for "July 1, 1943".

ADDITIONAL DEFENSE AID TO OTHER COUNTRIES; LEASE OF CERTAIN VESSELS

Act Oct. 26, 1942, ch. 629, title I, § 103, 56 Stat. 994, provided as follows: "Whenever the President deems it to be in the interest of national defense, he may authorize the Secretary of the Navy to sell, or otherwise dispose of, in accordance with the Act of March 11, 1941 (Public Law 11) (sections 411-419 of this title), to the Government of any country whose defense the President deems vital to the defense of the United States, defense articles, information, and services (including furnishing of quarters, subsistence, transportation, and hospitalization of personnel, and care of the dead) procured from any funds appropriated to the Navy Department subsequent to March 11, 1941: *Provided*, That the total value of defense articles (other than ships), information, and services heretofore and hereafter disposed of under this authority shall not exceed \$3,000,000,000: *Provided further*, That ships may be leased, but not otherwise disposed of, for periods not beyond the termination of the existing national emergency, under this authority but title thereof shall remain in the United States and their value shall not be charged against the limitation herein specified."

Acts June 26, 1943, ch. 147, § 118, 57 Stat. 217; June 22, 1944, ch. 269, § 121, 58 Stat. 322; May 29, 1945, ch. 130, § 119, 59 Stat. 222, provided: "The authority contained in section 103 of the Second Supplemental National Defense Appropriation Act, 1943 [set out in note above], is hereby extended to and made applicable to the appropriations for the naval service made subsequent to such Act and contained in this Act without any increase in the amount limitation fixed in such section: *Provided*, That 'information and services' authorized to be rendered by the Act of March 11, 1941 (Public 11) [sections 411-419 of this title], need not be connected with the procurement or disposition of any defense article."

REDUCTION IN VALUE OF DEFENSE ARTICLES

The value of defense articles stipulated in subsec. (a) (2) was reduced to \$800,000,000 by act Dec. 17, 1941, ch. 591, title I, § 102, 55 Stat. 813, and as thus limited was made inapplicable "to the War Department after the date of the enactment of this Act."

Definition of "defense article" as used in act Dec. 17, 1941, cited in this note, see act Mar. 5, 1942, ch. 141, § 303, set out in note under this section relating to lend-lease of certain naval vessels and other articles.

LEND-LEASE OF CERTAIN NAVAL VESSELS AND OTHER ARTICLES

Act Feb. 7, 1942, ch. 46, title III, § 301, 56 Stat. 82, which act contained the Naval Appropriation Act, 1943, and title IV, Naval Appropriation Act, 1942, provided as follows: "Whenever the President deems it to be in the interest

of national defense, he may authorize the Secretary of the Navy to lease for such period of time not exceeding the duration of the existing national emergency ships appropriated for in whole or in part in this Act under the heading 'Increase and Replacement of Naval Vessels, Emergency Construction' or to sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to the government of any country whose defense the President deems vital to the defense of the United States, any other defense article procured from funds appropriated in this Act, in accordance with the provisions of the Act of March 11, 1941 (Public Law 11 [Title 22, § 411 et seq.]): *Provided*, That the total value of articles, other than ships, disposed of under this authority shall not exceed \$2,500,000,000."

Act Mar. 5, 1942, ch. 141, title III, § 303, 56 Stat. 131, provided as follows: "The term 'defense article' as used in . . . [acts Dec. 17, 1941, ch. 591, title I, § 102, 55 Stat. 813, and Feb. 7, 1942, ch. 46, title III, § 301, 56 Stat. 82, both cited in notes under this section] shall be deemed to include defense information and services, and the expenses in connection with the procurement or supplying of defense articles, information, and services."

Act April 23, 1942, ch. 247, title II, § 201, 56 Stat. 233, provided in part: "That the limitation of \$2,500,000,000 established in section 301 of the Act of February 7, 1942 (Public Law 441 [set out above in this note]), shall apply to all appropriations made to the Navy Department since March 11, 1941."

LEND-LEASE OF SHIPS, BOATS, BARGES OR FLOATING DRYDOCKS

Act Feb. 19, 1943, ch. 1, § 4, 57 Stat. 4 provided: "Hereafter any ship, boat, barge, or floating drydock of the Navy may be leased in accordance with the Act approved March 11, 1941 (55 Stat. 31) [sections 411-419 of this title], but not otherwise disposed of, for periods not beyond the termination of the present war, but title thereto shall remain in the United States."

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see sections 250 and 250a of this title.

§ 412a. Same; lease of merchant vessels for duration of war.

No merchant vessel constructed under any contract entered into by the United States Maritime Commission pursuant to any appropriation or contract authorization specifically granted by Act of Congress (except sections 1119a, 1119b, 1125a, and 1214 of Title 46) to such Commission shall be disposed of under sections 411-419 of this title except by lease which must end not later than six months after the termination of the present war, as proclaimed by the President, or at such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. (Mar. 18, 1943, ch. 17, title I, § 1, 57 Stat. 25.)

CODIFICATION

Section was not enacted as a part of the "Lend-Lease Act" constituting sections 411-419 of this title.

§ 413. Same; contract restrictions against disposal of transferred articles by transferee governments.

All contracts or agreements made for the disposition of any defense article or defense information pursuant to section 412 of this title shall contain a clause by which the foreign government undertakes that it will not, without the consent of the President, transfer title to or possession of such defense article or defense information by gift, sale, or otherwise, or permit its use by anyone not an officer, employee, or agent of such foreign government. (Mar. 11, 1941, ch. 11, § 4, 55 Stat. 32.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250b of this title.

§ 414. Same; information regarding articles exported; reports to Congress.

(a) The Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government involved shall, when any such defense article or defense information is exported, immediately inform the department or agency designated by the President to administer section 99 of Title 50, of the quantities, character, value, terms of disposition, and destination of the article and information so exported.

(b) The President from time to time, but not less frequently than once every ninety days, shall transmit to the Congress a report of operations under sections 411–419 of this title except such information as he deems incompatible with the public interest to disclose. Reports provided for under this subsection shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, if the Senate or the House of Representatives, as the case may be, is not in session. (Mar. 11, 1941, ch. 11, § 5, 55 Stat. 32.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250c of this title.

§ 415. Same; appropriations; disposition of repayments.

(a) There is authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of sections 411–419 of this title.

(b) All money and all property which is converted into money received under section 412 of this title from any government shall, with the approval of the Director of the Budget, revert to the respective appropriation or appropriations out of which funds were expended with respect to the defense article or defense information for which such consideration is received, and shall be available for expenditure for the purpose for which such expended funds were appropriated by law, during the fiscal year in which such funds are received and the ensuing fiscal year; but in no event shall any funds so received be available for expenditure after June 30, 1949. (Mar. 11, 1941, ch. 11, § 6, 55 Stat. 33; Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, § 1, 58 Stat. 222; Apr. 16, 1945, ch. 61, § 1, 59 Stat. 52.)

AMENDMENTS

1945—Subsec. (b) amended by act Apr. 16, 1945, cited to text, which substituted "June 30, 1949" for "June 30, 1948".

1944—Subsec. (b) amended by act May 17, 1944, cited to text, which substituted "June 30, 1948" for "June 30, 1947".

1943—Subsec. (b) amended by act Mar. 11, 1943, cited to text, which substituted "June 30, 1947" for "June 30, 1946".

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250d of this title.

§ 416. Same; protection of patent rights.

The Secretary of War, the Secretary of the Navy, and the head of the department or agency shall

in all contracts or agreements for the disposition of any defense article or defense information fully protect the rights of all citizens of the United States who have patent rights in and to any such article or information which is authorized to be disposed of and the payments collected for royalties on such patents shall be paid to the owners and holders of such patents. (Mar. 11, 1941, ch. 11, § 7, 55 Stat. 33.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250e of this title.

§ 417. Same; acquisition of war materials from foreign governments.

The Secretaries of War and of the Navy are authorized to purchase or otherwise acquire arms, ammunition, and implements of war produced within the jurisdiction of any country to which section 412 of this title is applicable, whenever the President deems such purchase or acquisition to be necessary in the interests of the defense of the United States. (Mar. 11, 1941, ch. 11, § 8, 55 Stat. 33.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250f of this title.

§ 418. Same; rules and regulations; delegation of powers.

The President may, from time to time, promulgate such rules and regulations as may be necessary and proper to carry out any of the provisions of sections 411–419 of this title; and he may exercise any power or authority conferred on him by said sections through such department, agency, or officer as he shall direct. (Mar. 11, 1941, ch. 11, § 9, 55 Stat. 33.)

§ 419. Same; effect on existing laws relating to use of land and naval forces.

Nothing in sections 411–419 of this title shall be construed to change existing law relating to the use of the land and naval forces of the United States, except insofar as such use relates to the manufacture, procurement, and repair of defense articles, the communication of information and other noncombatant purposes enumerated in said sections. (Mar. 11, 1941, ch. 11, § 10, 55 Stat. 33.)

§ 420. Same; application of other laws.

The provisions of sections 1119a and 1119b of Title 46 shall apply to all activities and functions which the Maritime Commission may be authorized to perform pursuant to sections 411–419 of this title or any appropriations to carry out such sections, but nothing herein shall be construed to affect the appropriation made by sections 1119a of Title 46. (May 2, 1941, ch. 84, § 5, 55 Stat. 150.)

SECTION IN FORCE UNTIL SIX MONTHS AFTER END OF WAR

Res. June 16, 1942, ch. 418, 56 Stat. 370, provided that section should remain in force until six months after the end of World War II or such earlier time as Congress by concurrent resolution or the President may designate.

§ 421. Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States.

The President may, from time to time, when he deems it in the interest of national defense, authorize the head of any department or agency of the

Government, to enter into contracts for the procurement of defense articles, information, or services for the government of any country whose defense the President deems vital to the defense of the United States, to the extent that such government agrees to pay the United States for such defense articles, information, or services prior to the receipt thereof and to make such payments from time to time as the President may require to protect the interests of the United States; and, upon payment of the full cost, the President may dispose of such articles, information, or services to such government: *Provided*, That the total amount of the outstanding contracts under this section, less the amounts which have been paid to the United States under such contracts, shall at no time exceed \$600,000,000. (Oct. 28, 1941, ch. 460, title I, § 102, 55 Stat. 746.)

§ 422. Same; retention for United States defense articles procured for foreign governments.

Any defense article procured pursuant to section 421 of this title shall be retained by or transferred to and for the use of such department or agency of the United States as the President may determine, in lieu of being disposed of to a foreign government, whenever in the judgment of the President the defense of the United States will be best served thereby. (Oct. 28, 1941, ch. 460, title I, § 103, 55 Stat. 747.)

§ 423. Retention for defense of United States of certain articles, information or service procured for foreign governments.

Any defense article, information, or service procured from funds appropriated by Act June 14, 1943, ch. 122, 57 Stat. 151, or prior Acts appropriating funds to the President for the purpose of carrying out the provisions of sections 411-419 of this title, shall be retained by or transferred to and for the use of such department or agency of the United States as the President may determine, in lieu of being disposed of to a foreign government, whenever in the judgment of the President the defense of the United States will be best served thereby: *Provided further*, That none of the funds appropriated in said Act June 14, 1943, shall be used for the payment of any subsidy on agricultural products produced in the continental United States. (June 14, 1943, ch. 122, § 2, 57 Stat. 152.)

SUBCHAPTER II.—NEUTRALITY ACT

§ 441. Proclamation of state of war between foreign states.

(a) Whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

(b) Whenever the state of war which shall have caused the President to issue any proclamation under the authority of this section shall have ceased to exist with respect to any state named in such proclamation, he shall revoke such proclamation

with respect to such state. (Nov. 4, 1939, ch. 2, 12:04 p. m., § 1, 54 Stat. 4.)

SHORT TITLE

Section 20 of Res. Nov. 4, 1939, cited to text, provided as follows: "This joint resolution [sections 441-457] may be cited as the 'Neutrality Act of 1939'."

REPEALS

Section 19 of Res. Nov. 4, 1939, cited to text, provided as follows: "The joint resolution of August 31, 1935, as amended [sections 245a-245i], and the joint resolution of January 8, 1937 [ch. 1, 50 Stat. 3], are hereby repealed; but offenses committed and penalties, forfeitures, or liabilities incurred under either of such joint resolutions prior to the date of enactment of this joint resolution [sections 441-457] may be prosecuted and punished, and suits and proceedings for violations of either of such joint resolutions or of any rule or regulation issued pursuant thereto may be commenced and prosecuted, in the same manner and with the same effect as if such joint resolutions had not been repealed."

Neutrality Act of 1939 not to be deemed repealed or modified in any manner by Res. May 7, 1940, ch. 185, 54 Stat. 179, according to section 3 thereof, which resolution amended section 5 (b) of the Trading With the Enemy Act, see sections 95a of Title 12 and 5 (b) of Appendix to Title 50, which resolution approved and confirmed Ex. Ord. No. 8389, amending Ex. Ord. No. 6560, set out in note under section 95 of Title 12, and regulations and general rulings issued by Secretary of Treasury under said Ex. Ord. No. 8389.

SEPARABILITY OF SUBCHAPTER

Section 17 of Res. Nov. 4, 1939, cited to text, provided as follows: "If any of the provisions of this joint resolution [sections 441-457], or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby."

PURPOSE OF AND RIGHTS RESERVED UNDER SUBCHAPTER

The purpose of Res. Nov. 4, 1939, cited to text, was expressed in the first three paragraphs of the act as follows: "Whereas the United States, desiring to preserve its neutrality in wars between foreign states and desiring also to avoid involvement therein, voluntarily imposes upon its nationals by domestic legislation the restrictions set out in this joint resolution [sections 441-457]; and

"Whereas by so doing the United States waives none of its own rights or privileges, or those of any of its nationals, under international law, and expressly reserves all the rights and privileges to which it and its nationals are entitled under the law of nations; and

"Whereas the United States hereby expressly reserves the right to repeal, change or modify this [sections 441-457] or any other domestic legislation in the interests of the peace, security or welfare of the United States and its people."

CROSS REFERENCES

Proclamations respecting war and neutrality, see notes preceding section 1 of Appendix to Title 50, War.

§§ 442, 443. Repealed. Nov. 17, 1941, 4:30 p. m. E. S. T., ch. 473, § 1, 55 Stat. 764.

Section 442, act Nov. 4, 1939, 12:04 p. m., ch. 2, § 2, 54 Stat. 4, related to commerce with states engaged in armed conflict.

Section 443, act Nov. 4, 1939, 12:04 p. m., ch. 2, § 3, 54 Stat. 7, related to combat areas.

DEFINITION OF COMBAT AREAS

Proc. No. 2376, Nov. 4, 1939, 3 p. m., 4 F. R. 4495, 54 Stat. 2673; Proc. No. 2394, Apr. 10, 1940, 5 F. R. 1400, 54 Stat. 2693; Proc. No. 2410, June 11, 1940, 5:20 p. m. E. S. T., 5 F. R. 2209, 54 Stat. 2708, as modified by Proc. No. 2474, Apr. 10, 1941, 6 F. R. 1905, 55 Stat. 1628, defined various combat areas.

§ 444. American Red Cross vessels.

(a) The provisions of section 442 (a) of this title shall not prohibit the transportation by vessels,

unarmed and not under convoy, under charter or other direction and control of the American Red Cross of officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering: *Provided*, That where permission has not been given by the blockading power, no American Red Cross vessel shall enter a port where a blockade by aircraft, surface vessel, or submarine is being attempted through the destruction of vessels, or into a port of any country where such blockade of the whole country is being so attempted: *Provided further*, That such American Red Cross vessel shall be on a mission of mercy only and carrying only Red Cross materials and personnel.

(b) The provisions of sections 442 (a) and 443 of this title shall not prohibit a vessel, in ballast, unarmed, and not under convoy, and transporting refugee children, under sixteen years of age, from war zones, or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose, together with such necessary American citizen adult personnel in charge as may be approved by the Secretary of State, subject to the provisions of the immigration laws, if such vessel is proceeding under safe conduct granted by all of the States named in the proclamations issued under the authority of section 441 (a) of this title, and if such vessel has painted on a large scale prominently, distinctly, and unmistakably on each side thereof and upon the superstructure thereof plainly visible from the air an American flag and a statement to the effect that such vessel is a refugee-child rescue ship of the United States or under United States registry: *Provided*, That every such child so brought into the United States shall, previous to departure from the port of embarkation, have been so sponsored by some responsible American person, natural or corporate, that he will not become a public charge. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 4, 54 Stat. 7; June 26, 1940, ch. 431, 54 Stat. 611; Aug. 27, 1940, ch. 695, 54 Stat. 866.)

REFERENCES IN TEXT

Section 442 (a) of this title referred to in text was repealed by act Nov. 17, 1941, 4:30 p. m., E. S. T., ch. 473, § 1, 55 Stat. 764.

AMENDMENTS

1940—Subsec. (a), formerly entire section, designated "a" by act Aug. 27, 1940, cited to text.

Subsec. (b) added by act Aug. 27, 1940, cited to text.

§ 445. Travel on vessels of belligerent states.

(a) Whenever the President shall have issued a proclamation under the authority of section 441 (a) of this title it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

(b) Whenever any proclamation issued under the authority of section 441 (a) of this title shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 5, 54 Stat. 7.)

§ 446. Repealed. Nov. 17, 1941, 4:30 p. m. E. S. T., ch. 473, § 2, 55 Stat. 764.

Section, act Nov. 4, 1939, 12:04 p. m., ch. 2, § 6, 54 Stat. 7, prohibited the arming of American merchant vessels.

ARMING VESSELS AUTHORIZED DURING EMERGENCY

Res. Nov. 17, 1941, § 2, besides repealing this section, contained the following provision: "during the unlimited national emergency proclaimed by the President on May 27, 1941, the President is authorized, through such agency as he may designate, to arm, or to permit or cause to be armed, any American vessel as defined in such Act (Title 22, § 441 et seq.). The provisions of section 16 of the Criminal Code (Title 18, § 28) (relating to bonds from armed vessels on clearing) shall not apply to any such vessel."

§ 447. Financial transactions.

(a) Whenever the President shall have issued a proclamation under the authority of section 441 (a) of this title, it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or political subdivision thereof, issued after the date of such proclamation, or to make any loan or extend any credit (other than necessary credits accruing in connection with the transmission of telegraph, cable, wireless and telephone services) to any such government, political subdivision, or person. The provisions of this subsection shall also apply to the sale by any person within the United States to any person in a state named in any such proclamation of any articles or materials listed in a proclamation referred to in or issued under the authority of section 452 (1) of this title.

(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation.

(c) Whoever shall knowingly violate any of the provisions of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

(d) Whenever any proclamation issued under the authority of section 441 (a) of this title shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

(e) This section shall not be operative when the United States is at war. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 7, 54 Stat. 8; Feb. 21, 1942, ch. 104, 56 Stat. 95.)

AMENDMENTS

1942—Res. Feb. 21, 1942, cited to text, added par. (e).

§ 448. Solicitation and collection of funds and contributions.

(a) Whenever the President shall have issued a proclamation under the authority of section 441 (a) of this title, it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government

of any state named in such proclamation or for or on behalf of any agent or instrumentality of any such state.

(b) Nothing in this section shall be construed to prohibit the solicitation or collection of funds and contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds and contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, but all such solicitations and collections of funds and contributions shall be in accordance with and subject to such rules and regulations as may be prescribed.

(c) Whenever any proclamation issued under the authority of section 441 (a) of this title shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 8, 54 Stat. 8.)

ADMINISTRATION OF SECTION BY PRESIDENT'S WAR RELIEF CONTROL BOARD

The administration of those provisions of this section relating to the solicitation and collection of funds and contributions for relief purposes was transferred to the President's War Relief Control Board by section 4 of Ex. Ord. No. 9205, set out preceding section 1 of Appendix to Title 50, War.

§ 449. American republics.

This subchapter (except section 452 of this title) shall not apply to any American republic engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 9, 54 Stat. 8.)

§ 450. Restrictions on use of American ports.

(a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441 (a) of this title, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 31 of Title 18, and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port or from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a

state named in a proclamation issued under the authority of section 441 (a) of this title.

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441 (a) of this title, he may prohibit the departure of such vessel during the duration of the war.

(c) Whenever the President shall have issued a proclamation under section 441 (a) of this title he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 168 of Title 8. Notwithstanding the provisions of said section 168 of Title 8, the President may issue such regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 10, 54 Stat. 9.)

§ 451. Submarines and armed merchant vessels.

Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 11, 54 Stat. 9.)

USE OF UNITED STATES PORTS AND TERRITORIAL WATERS BY SUBMARINES OF FOREIGN NATIONS

By Procs. Nos. 2375, Nov. 4, 1939, 12:04 p. m., 4 F. R. 4494, 54 Stat. 2672; 2400, Apr. 25, 1940, 5 F. R. 1570, 54 Stat. 2699; 2406, May 11, 1940, 5 F. R. 1690, 54 Stat. 2705; 2409, June 10, 1940, 10:20 p. m. E. S. T., 5 F. R. 2192, 54 Stat. 2707; 2445, Nov. 15, 1940, 5 F. R. 4524, 54 Stat. 2672, submarines of France, Germany, Poland, United Kingdom, India, Australia, Canada, New Zealand, Union of South Africa, Norway, Belgium, the Netherlands, Italy, and Greece were denied use of United States ports and territorial waters.

§ 452. National Munitions Control Board.

(a) There is established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of \$100; but valid certificates of registration (including amended certificates) issued under the authority of section 245a-½ or section 245b of this title, shall, without payment of any additional registration fee, be considered to be valid certificates of registration issued under this subsection, and shall remain valid for the same period as if this subchapter had not been enacted.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and having obtained a license therefor.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of

arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this subchapter or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued; but a valid license issued under the authority of section 245a-½ or section 245b of this title, shall be considered to be a valid license issued under this subsection, and shall remain valid for the same period as if this subchapter had not been enacted.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this subchapter.

(h) The Board shall make a report to Congress on January 3 and July 3 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under any such license. The Board shall include in such reports a list of all persons required to register under the provisions of this subchapter, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under any such license. Any reports required by this section may be omitted or dispensed with in the discretion of the Secretary of State during the existence of a state of war.

(i) The President is authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section; but the proclamation Numbered 2237, of May 1, 1937 (50 Stat. 1834), defining the term "arms, ammunition, and implements of war" shall, until it is revoked, have full force and effect as if issued under the authority of this subsection. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 12, 54 Stat. 10; Jan. 26, 1942, ch. 19, 56 Stat. 19.)

REFERENCES IN TEXT

"Section 245a-½ or section 245b of this title" referred to in text of subsecs. (c) and (f) were repealed by Joint Res. Nov. 4, 1939, ch. 2, § 19, 54 Stat. 12.

AMENDMENTS

1942—Act Jan. 26, 1942, cited to text, amended subsec. (h) by adding last sentence, effective as of May 27, 1941.

PROC. NO. 2549. ENUMERATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

Proc. No. 2549, Apr. 9, 1942, 7 F.R. 2769, 56 Stat. 1948, provided:

WHEREAS section 12 (i) of the joint resolution of Congress approved November 4, 1939, entitled "Joint resolution to preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests", provides in part as follows (54 Stat. 11; 22 U. S. C. 452 (i)):

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section * * *"

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall, on and after April 15, 1942, be considered arms, ammunition, and implements of war for the purposes of section 12 (1) of the said joint resolution of Congress:

CATEGORY I

- (1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;
- (2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons; machine-gun mounts;
- (3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;
- (4) Ammunition in excess of caliber .22 for the arms enumerated under (1), (2), and (3) above, and cartridge cases or bullets for such ammunition; shells and projectiles, filled or unfilled, for the arms enumerated under (3) above;
- (5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;
- (6) Tanks, military armored vehicles, and armored trains; armor plate and turrets for such vehicles.

CATEGORY II

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate and turrets for such vessels.

CATEGORY III

- (1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;
- (2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb-release or torpedo-release mechanisms; armor plate and turrets for military aircraft.

CATEGORY IV

- (1) Revolvers and automatic pistols using ammunition in excess of caliber .22;
- (2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

CATEGORY V

- (1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in category III;
- (2) Propellers or air-screws, fuselages, hulls, wings, tail units, and under-carriage units;
- (3) Aircraft engines, unassembled, assembled, or dismantled.

CATEGORY VI

- (1) Livens projectors, flame throwers, and fire-barrage projectors;
- (2) a. Mustard gas (dichlorethyl sulphide);
b. Lewisite (chlorvinylchlorarsine and dichlorovinylchlorarsine);
c. Methylchlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminechlorarsine;
g. Phenylchlorarsine;
h. Ethylchlorarsine;
i. Phenylbromarsine;
j. Ethylbromarsine;
k. Phosgene;
l. Monochloromethylchlorformate;

- m. Trichloromethylchlorformate (diphosgene);
- n. Dichlorodimethyl ether;
- o. Dibromodimethyl ether;
- p. Cyanogen chloride;
- q. Ethylbromacetate;
- r. Ethyliodoacetate;
- s. Brombenzylcyanide;
- t. Bromacetone;
- u. Brommethylethyl ketone.

CATEGORY VII

- (1) Propellant powders;
 - (2) High explosives as follows:
 - a. Nitrocellulose having a nitrogen content of more than 12%;
 - b. Trinitrotoluene;
 - c. Trinitroxyline;
 - d. Tetryl (trinitrophenol methyl nitramine or "tetra-nitro methylaniline");
 - e. Picric acid;
 - f. Ammonium picrate;
 - g. Trinitroanisole;
 - h. Trinitronaphthalene;
 - i. Tetranitronaphthalene;
 - j. Hexanitrodiphenylamine;
 - k. Pentaerythritetranitrate (penthrate or pentrite);
 - l. Trimethylenetrinitramine (hexogen or T₁);
 - m. Potassium nitrate powders (black saltpeter powder);
 - n. Sodium nitrate powders (black soda powder);
 - o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
 - p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
 - q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).
- Effective April 15, 1942, this proclamation shall supersede Proclamation 2237, dated May 1, 1937, entitled "Enumeration of Arms, Ammunition, and Implements of War".
- Proc. No. 2237, May 1, 1937, 2 F. R. 923, 50 Stat. 1834, enumerating arms, ammunitions and implements of war, was superseded by Proc. No. 2549, set out above.

§ 453. Regulations.

The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this subchapter; and he may exercise any power or authority conferred on him by this subchapter through such officer or officers, or agency or agencies, as he shall direct. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 13, 54 Stat. 11.)

DELEGATION OF POWERS

Power to make rules and regulations under this subchapter was delegated to the Secretary of State by Proc. No. 2374, promulgated Nov. 4, 1939, 4 F. R. 4493, 54 Stat. 2671. See proclamations preceding section 1 of Appendix to Title 50, War.

PROCLAMATIONS RESPECTING WAR AND NEUTRALITY

See notes preceding section 1 of appendix of Title 50, War.

§ 454. Unlawful use of the American flag.

(a) It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon, or to make use of any distinctive signs or markings, indicating that the same is an American vessel.

(b) Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of three months the right to enter the ports or territorial waters of the United States except in cases of force majeure. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 14, 54 Stat. 11.)

§ 455. General penalty provision.

In every case of the violation of any of the provisions of this subchapter or of any rule or regulation issued pursuant thereto where a specific penalty is not provided in such sections, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than two years, or both. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 15, 54 Stat. 11.)

§ 456. Definitions.

For the purposes of this subchapter—

(a) The term "United States", when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States, the Canal Zone, and the District of Columbia.

(b) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

(c) The term "vessel" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(d) The term "American vessel" means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

(e) The term "state" shall include nation, government, and country.

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 16, 54 Stat. 12; Proc. No. 2695, eff. July 4, 1946, 11 F. R. 7517, 60 Stat. 1352.)

CODIFICATION

Words "(including the Philippine Islands)" were deleted from definition of "United States" in subsec. (a) pursuant to the authority of 1946 Proc. No. 2695, cited to text, which granted independence to the Philippines under the provisions of section 1240 of Title 48, Territories and Insular Possessions, and which is set out as a note under said section 1240.

§ 457. Appropriations.

There is authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this subchapter. (Nov. 4, 1939, 12:04 p. m., ch. 2, § 18, 54 Stat. 12.)

Chapter 10.—HEMISPHERAL RELATIONS

SUBCHAPTER I.—GENERALLY

Sec.

- 501. Utilization of services of Government agencies to promote inter-American relations.
- 502. Same; creation of advisory committees.
- 503. Facilitating work of foreign traveling salesmen; licenses and certificates of identification.
- 504. Transfer of hemisphere territory from one non-American power to another; recognition; consultation with American Republics.

SUBCHAPTER II.—WAR MATERIALS

- 521. Military and naval assistance to governments of American republics.
- 522. Transmission of information pertaining to implements of war, vessels, etc.

- 523. Restriction in contracts against disposal of implements of war, vessels, etc., or information.
- 524. Information on shipments to be given Chairman of National Munitions Control Board.
- 525. Appropriations and disposition of receipts.
- 526. Protection of patent rights.
- 527. Purchases of implements of war, etc., from American republics.

SUBCHAPTER I.—GENERALLY

§ 501. Utilization of services of Government agencies to promote inter-American relations.

In order to render closer and more effective the relationship between the American republics the President of the United States is authorized, subject to such appropriations as are made available for the purpose, to utilize the services of the departments, agencies, and independent establishments of the Government in carrying out the reciprocal undertakings and cooperative purposes enunciated in the treaties, resolutions, declarations, and recommendations signed by all of the twenty-one American republics at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires, Argentina, in 1936, and at the Eighth International Conference of American States held at Lima, Peru, in 1938. (Aug. 9, 1939, ch. 616, § 1, 53 Stat. 1290.)

CROSS REFERENCES

Lease-Lend Act of 1941, similar provisions of, see section 412 of this title.

§ 502. Same; creation of advisory committees.

The President is authorized to create such advisory committees as in his judgment may be of assistance in carrying out the undertakings of this Government under the treaties, resolutions, declarations, and recommendations referred to, but no committee or member thereof shall be allowed any salary or other compensation for services: *Provided, however*, That they may, within the limits of appropriations made available therefor by the Congress, which appropriations are authorized, be paid their actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses while away from their homes in attendance upon meetings within the United States under instructions from the Secretary of State. (Aug. 9, 1939, ch. 616, § 2, 53 Stat. 1290.)

CROSS REFERENCES

Lease-Lend Act of 1941, similar provisions of, see section 412 of this title.

§ 503. Facilitating work of foreign traveling salesmen; licenses and certificates of identification.

Whereas the United States has entered into conventions with the Governments of Uruguay, Guatemala, Salvador, Panama, and Venezuela which were signed on August 27, 1918, December 3, 1918, January 28, 1919, February 8, 1919, and July 3, 1919, respectively, for facilitating the work of traveling salesmen; and

Whereas Articles I and II of each of said conventions read as follows:

"ARTICLE I. Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high con-